

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CARLOS FAYNE,)	Case No. 3:05-cv-2328
)	
Petitioner,)	JUDGE SARA LIOI
)	
v.)	
)	<u>JUDGMENT ENTRY</u>
KHELLEH KONTEH, Warden,)	
)	
Respondent.)	

The above action came before the Court on petitioner Carlos Fayne's Petition for a Writ of Habeas Corpus. In an Order and Decision issued by this Court this day, the Magistrate Judge's Report and Recommendation was adopted in full. This Court hereby certifies, pursuant to 28 U.S.C. § 1915(a), that an appeal *in forma pauperis* from this decision would be frivolous and could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). The above action is hereby **DISMISSED**.

IT IS SO ORDERED.

Dated: May 17, 2007

s/ Sara Lioi
Hon. Sara Lioi
United States District Judge